

Amendment No. 1 to HB1323

Harwell  
Signature of Sponsor

**AMEND Senate Bill No. 954\***

**House Bill No. 1323**

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 17, is amended by adding the following language as a new part:

§ 55-17-301. As used in this part, unless the context otherwise requires:

(1) "Adapted vehicle" means a new or used motor vehicle especially designed or modified for use by an aging or disabled person;

(2) "Automotive mobility dealer" means any motor vehicle dealer who:

(A) Exclusively engages in the business of selling, offering to sell, or soliciting or advertising the sale of adapted vehicles;

(B) Possesses adapted vehicles exclusively for the purpose of resale, either on his or her own account or on behalf of another, as his or her primary business; or

(C) Engages in the business of selling, installing, or servicing; offering to sell, install, or service; or soliciting or advertising the sale, installation, or servicing of equipment or modifications specifically designed to facilitate use or operation of a motor vehicle by an aging or disabled person; and

(3) "Mobility equipment" means equipment specifically designed to facilitate the use of a motor vehicle by an aging or disabled person.

§ 55-17-302.

(a) Any person, prior to engaging or continuing in the business of an automotive mobility dealer after March 1, 2011, shall obtain an automotive mobility dealer license from the commission.

(b)

(1) An automotive mobility dealer shall be licensed and regulated by the commission under the provisions of this chapter.

(2) The commission shall, by administrative regulations promulgated hereunder in accordance with Tennessee Code Annotated, Title 4, Chapter 5., establish requirements for initial application for and renewal of a license to be an automotive mobility dealer. The commission's regulations establishing requirements for automotive mobility dealers shall include provisions for automotive mobility dealers to meet reasonable and appropriate quality assurance requirements. Such requirements may include:

(A) Appropriate training by automotive mobility dealers regarding adapted vehicle usage;

(B) Driver evaluation by automotive mobility dealers; and

(C) A requirement that automotive mobility dealers obtain and maintain insurance in an amount to be established by the commission.

(3) The commission shall have the power to promulgate any other regulations that are necessary to implement this part, including denial, suspension or revocation of an automotive mobility dealer's license. All such rules and regulations shall be promulgated in accordance with Tennessee Code Annotated, Title 4, Chapter 5.

(4) The commission shall, after notice and hearing, revoke the license of an automotive mobility dealer if it determines that the dealer has sold or modified a vehicle that does not comply with this section or any administrative regulations promulgated thereunder. A dealer whose license is revoked under this subsection (b) shall be permitted to appeal the revocation in accordance with part 1 of this chapter.

(5) An automotive mobility dealer's license may be denied, suspended or revoked for any violation of § 55-17-114.

(c) A licensed automotive mobility dealer shall have the right to display, demonstrate, inventory, advertise and offer for sale adapted vehicles.

§ 55-17-303.

(a) No more than two (2) new untitled motor vehicles of a specific line make may be consigned by a franchised motor vehicle dealer to an automotive mobility dealer.

(b) Any retail sale of a new untitled motor vehicle must be accomplished by the consigning franchised dealer.

(c) A licensed franchise motor vehicle dealer shall not be required to obtain an automotive mobility dealer license to display, advertise, offer for sale or sell adapted motor vehicles.

SECTION 2. For purposes of rulemaking, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect March 1, 2011, the public welfare requiring it.